

REMARKS

Claims 1-23 are currently pending in the subject application and are presently under consideration. Claims 19, 20 and 21 have been amended as shown on pages 2-5 of the Reply. In addition, claims 22 and 23 have been newly added.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-21 Under 35 U.S.C. §102(e)

Claims 1-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sistanizadeh *et al.* (US Patent 6,681,232 B1). Withdrawal of this rejection is requested for at least the following reasons. Sistanizadeh *et al.* does not teach each and every element of the claimed subject matter as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

The claimed subject matter relates to a network interface comprising an embedded network traffic analyzer. In particular, independent claim 1 recites *a system that facilitates analyzing a network, comprising: a network interface component that facilitates access to the network, the network interface component comprising: a network traffic analyzer (NTA) component that analyzes network data.* Sistanizadeh *et al.* does not teach or suggest the aforementioned novel aspects of applicants' claimed subject matter.

Sistanizadeh *et al.* provides an automated service level manager providing operative support for wide-area data communications services. The service level manager comprises a suite of software components and associated hardware running the software, to communicate with agents throughout the networks, to accumulate various network operations data for reports and alarms and to provide instructions to control network operations.

At page 2 and 5 of Office Action, Examiner erroneously asserts that Sistanizadeh *et al.* teaches, ***the network interface component comprising: a network traffic analyzer (NTA) component that analyzes network data***, with respect to independent claim 1 and ***means for analyzing is integrated with the means for accessing and interfacing with the network***, with respect to independent claim 18. The cited portion of reference provides for a traffic analyzer which is a software module *running on a separate computer*. The computer of the analyzer connects to an Ethernet port of one of the switches in the M-POP. The analyzer also connects to another port on the switch, for receiving data for analysis (Col. 28, lines 47-62). *Typically many such analyzers are strategically placed throughout the different regions*. The analyzers act as an intelligent sniffer, examining, filtering and condensing out useful information from the traffic on a particular link. The analyzer provides this information to an appropriate manager, for example a database in the service level manager. The manager processes such data to from detailed records (Col. 28, lines 63- Col. 29, lines 29). Hence Sistanizadeh *et al.* provides for a traffic analyzer which is running on a separate computer or a separate hardware. Sistanizadeh *et al.* further places many analyzers throughout different regions. Hence Sistanizadeh *et al.* provides for using a separate hardware or a number of separate hardware for a traffic analyzer and do not contemplate *embedding the network traffic analyzer into the interface of a networked device*. Through this feature, the present invention facilitates eliminating the need for a separate dedicated network traffic analyzer for most routine applications. The use of a dedicated network traffic analyzer is time consuming, inefficient and expensive for the network user. Furthermore, the presence of an additional device not normally a part of the network alters the network configuration and the loading on the bus. The addition of an additional device can mask the problem and/or create a new problem. The present invention provides for diagnosing the network problem without the need to add dedicated support equipment which alters the configuration of the network system and alters the load on the bus.

Accordingly, applicants' representative respectfully submits that Sistanizadeh *et al.* fails to teach or suggest all limitations of applicants' claimed subject matter as recited in independent claims 1, 18, 19, 20 and 21 (and claims that depend there from). Consequently, this rejection should be withdrawn.

II. **Rejection of Claims 1-21 Under 35 U.S.C. §102(e)**

Claims 1-21 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Gleichauf *et al.* (US Patent 6,816,973 B1). Gleichauf *et al.* does not teach each and every element of the claimed subject matter as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

The claimed subject matter relates to a network interface comprising an embedded network traffic analyzer. In particular, independent claim 1 recites *a system that facilitates analyzing a network, comprising: a network interface component that facilitates access to the network, the network interface component comprising: a network traffic analyzer (NTA) component that analyzes network data.* Gleichauf *et al.* does not teach or suggest the aforementioned novel aspects of applicants' claimed subject matter.

Gleichauf *et al.* provides a method and system for adaptive network security using intelligent packet analysis. The method comprises monitoring network data traffic to assess network information. A plurality of analysis tasks are prioritized based upon network information and performed in order to identify attacks upon the network. The system for adaptive network security using intelligent packet analysis comprises various engines like an analysis engine, a protocol engine, a signature engine etc. However nowhere Gleichauf *et al.* teaches or suggests *embedding the network traffic analyzer into the interface of a networked device*. Through this feature, the present invention facilitates eliminating the need for a separate dedicated network traffic analyzer for most routine applications. The use of a dedicated network traffic analyzer is time consuming, inefficient and expensive for the network user. Furthermore, the presence of an additional device not normally a part of the network alters the network configuration and the loading on the bus. The addition of an additional device can mask the problem and/or create a new problem. The present invention provides for diagnosing the

network problem without the need to add dedicated support equipment which alters the configuration of the network system and alters the load on the bus.

Accordingly, applicants' representative respectfully submits that Gleichauf *et al.* fails to teach or suggest all limitations of applicants' claimed subject matter as recited in independent claims 1, 18, 19, 20 and 21 (and claims that depend there from). Consequently, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP296US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROC & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROC & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731